

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:18-cr-114
v.)
) Judge Travis R. McDonough
DERRICK KITCHENS)
) Magistrate Judge Christopher H. Steger
)
)

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 201) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea to Counts One and Eleven of the twenty-count Indictment; (2) accept Defendant's guilty plea to Counts One and Eleven of the twenty-count Indictment; (3) adjudicate Defendant guilty of Count One—conspiracy to distribute and possess with intent to distribute fifty grams or more of methamphetamine (actual) and five hundred grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846; (4) adjudicate Defendant guilty of Count Eleven—possession of a firearm in furtherance of a drug-trafficking offense in violation of 18 U.S.C. § 924(c); and (5) order that Defendant remain in custody until sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 201) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea to Counts One and Eleven of the twenty-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to Counts One and Eleven of the twenty-count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One—conspiracy to distribute and possess with intent to distribute fifty grams or more of methamphetamine (actual) and five hundred grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846;
4. Defendant is hereby **ADJUDGED** guilty of Count Eleven—possession of a firearm in furtherance of a drug-trafficking offense in violation of 18 U.S.C. § 924(c); and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place before the undersigned on **December 13, 2019, at 2:00 p.m.**

SO ORDERED.

/s/Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE